

REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks.

At the outset, Applicant notes that the Examiner now cites U.S. Patent No. 6,793,190 in the present Office Action. Applicant respectfully reminds the Examiner that MPEP § 706.07 states, in relevant part, that

the invention as disclosed and claimed should be thoroughly searched in the first office action and the references fully applied. ... The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal.

Although Applicant strongly believes that the present application is patentable over U.S. Patent No. 6,793,190, this reference was available to the Examiner at the time of the first Office Action is clearly relevant. The failure of the Examiner to cite this reference has resulted in several additional responses, the filing of a RCE (along with the obligatory fee), and the delay in the examination of the present application.

Claims 31-34 have been objected to due to the following

informality, namely, "A1" in claim 31 should be within parentheses. With this amendment, Applicant has added the required parentheses. Accordingly, Applicant submits that this objection has been overcome and should be withdrawn.

Claims 23-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that it is unclear as to what structure constitutes the "means" in line 14 of claim 23. While Applicant traverses this rejection, Applicant has deleted this element in the current amendment. Accordingly, this rejection is now moot.

Claims 23-25, 31, 32 and 34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,793,190 to White et al. (hereinafter referred to as "White"). Claims 23, 26, 27, 31, 33, and 34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,037,780 to Lyon (hereinafter referred to as "Lyon"). Claims 28 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over White. For at least the reasons explained hereinbelow, Applicant respectfully traverses these rejections.

The present application contains two independent claims, namely, claims 23 and 31. Accordingly, remarks will be directed to these claims.

White discloses a retainer clip 100, FIGS. 2 and 3, for securing a sink 20 within a cutout of a countertop 40. The retainer clip 100 features a ratchet plate 110 fixed to an edge 46 of the cutout in the countertop 40 and a corresponding pawl 160 mountable to the sink 20. The ratchet plate 110 is generally planar and has a front face 112 with a plurality of detents 114 recessed therein. Referring to FIGS. 6-8, the pawl 160 generally includes a base portion 168 and resilient tabs 162A-C which project upwardly from the base portion 168 such that the tips 170 and are arranged above the base portion 168. The base portion 168 also includes a lip (unmarked) that extends upwardly opposite from the resilient tabs 162A-C. A mount assembly 172 (i.e., a screw 174 having a head 176) is disposed through an aperture (best seen in FIG. 5) in the base portion 168.

It is important to note that the resilient tabs 162A-C extend upwardly directly from the base portion 168, without any intervening elements. As best seen in FIG. 3, this arrangement results in the tips 170 of the resilient tabs 162A-C necessarily

being disposed above the base portion 168 and consequently contacting the top region of the ratchet plate 110.

Lyon discloses a resiliently deflectable strip of spring fingers 22, FIG. 2, interposed between the sink bowl 19 and a metal flange 17. The fingers 22 include a relatively long attachment leg 23 that may be welded to the bowl portion 19 and a return-bent resiliently deflectable terminal leg 24 extending outwardly directly from the leg 23.

In contrast, independent claim 23 of the present invention recites, generally, a mount having a lip section and a leg section both secured to a base section and a flexible sink engagement section secured to a distal region of the leg section. The lip and the leg sections extend outwardly perpendicular and parallel from the base section in generally opposite directions. Because the flexible sink engagement section is secured to the distal region of the leg section in the present invention rather than the base portion 168 as described in White, the tip of the flexible engagement section according to the present invention may be disposed either above or below the base section depending on the intended application, and therefore can work with a wide range of sink designs.

In contrast, the retainer clips 100 of White will not work with certain sink 20 designs where the channel rail 30 of the sink 20 is very close to the bottom surface of the rim 26 of the sink 20. With sinks 20 of this design, the tips 170 of the retainer clip 100 may not fit beneath the bottom surface of the rim 26 of the sink 20 since the retainer clips 100 mounts to the channel rail 30 and the resilient tabs 162A-C extend upwardly directly from the base portion 168.

Applicant further submits that Lyons does not disclose a mount having a lip section and a leg section both secured to a base section and a flexible sink engagement section secured to a distal region of the leg section wherein the lip and the leg sections extend outwardly perpendicular and parallel from the base section in generally opposite directions. In contrast, Lyon merely discloses fingers 22 attached directly to leg 24 without any additional elements.

For at least these reasons, Applicant submits that amended independent claim 23 is patentable over both White and Lyon and requests that the rejections regarding claims 23-30 be withdrawn.

Independent claim 31 of the present invention recites a method of installing a sink within an opening in a countertop. In

particular, the method recites, in relevant part,

biasing a flexible sink engagement section of said at least one mount directly against said at least one side of said opening in said countertop without interposing material such that said flexible sink engagement section contacts said at least one side of said opening in said countertop.

As explained hereinabove, White discloses the use of a ratchet plate 116 disposed between the retainer clips 100 and the sink 20.

Additionally, Lyon discloses the use of a metal flange 17 interposed between the sink bowl 19 and the fingers 22 (except in the embodiment where the fingers 22 are mounted to countertop 11 and contact the sink bowl 19 as shown in FIGS 4 and 5). Accordingly, neither White nor Lyon disclose or suggest biasing a flexible sink engagement section directly against the side of the opening in the countertop without interposing material such that the flexible sink engagement section contacts the side of the opening in the countertop.


For at least the reasons discussed above, Applicant respectfully submits that amended independent claims 23 and 31 are in condition for allowance. Early and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate

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advancement of the present application.

Respectfully submitted,

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